

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA ,

Plaintiff,

v.

DAMIEN JACKSON,

Defendant.

Case No. CR92-1781B

ORDER DENYING  
DEFENDANT'S REQUEST FOR  
COUNSEL

This matter comes before the court on petitioner's Request for Counsel (Dkt. 145). The court has considered the pleadings and the file herein.

On May 12, 1993, defendant was sentenced in this court (Dkt. 52), and judgment was entered May 25, 1993 (Dkt. 66). On May 23, 2005, defendant filed *pro se* a Notice of Appeal of the judgment entered on May 25, 1993. Dkt. 144. Defendant has also filed a motion, requesting that the court appoint counsel to represent him. Dkt. 145.

Defendant claims that the issues raised in his post conviction pleading have not previously been presented to a court and that he believes these issues are meritorious. Defendant also stated that he does not have the funds to retain counsel to represent him.

At the time of his conviction and sentence, defendant was represented by the Office of the Federal Public Defender. On June 20, 2005, following a court inquiry to counsel who had represented defendant at the time of his conviction, the court received a letter from Federal Public Defender Michael Filipovic, informing the court that, should the court grant defendant's request for counsel on appeal, he would

1 proceed as defendant's counsel. Dkt. 156. Mr. Filipovic had also filed a notice of substitution of counsel  
2 on June 14, 2005. Dkt. 154.

3 Defendant filed the notice of appeal in this case *pro se*. Whether Mr. Filipovic chooses to represent  
4 defendant in this appeal is between defendant and Mr. Filipovic.

5 It also appears that the time for appealing the conviction has long since passed. *See* RAP 4(b).  
6 The court notes that this action was filed as an appeal, not a motion under 28 U.S.C. § 2255.

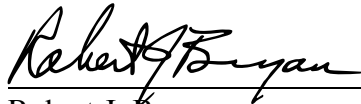
7 In any event, since defendant is already represented by counsel, his request for appointment of  
8 counsel is moot and should be denied.

9 Therefore, it is hereby

10 **ORDERED** that petitioner's Request for Counsel (Dkt. 145) is **DENIED**.

11 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any  
12 party appearing *pro se* at said party's last known address.

13 DATED this 21<sup>st</sup> day of June, 2005.

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16 Robert J. Bryan  
17 U.S. District Judge  
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